

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**BRANDON CALLIER,**

**Plaintiff,**

**V.**

**POWUR, PBC INC dba POWUR**, a Delaware Corporation

**Defendant.**

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**EP-23-cv-00302-KC**

**DECLARATION OF BRANDON CALLIER PURSUANT TO 28 U.S.C. § 1746 IN  
SUPPORT OF HIS MOTION FOR SUMMARY JUDGMENT**

I, Brandon Callier, make the following declaration subject to the penalties of perjury:

1. My name is Brandon Callier. I am the Plaintiff, Pro Se, in the above-numbered and styled lawsuit. I am fully competent to make this declaration, have personal knowledge of the following facts, and could testify to them if called upon to do so.
2. I am the owner and regular user of the cellular phone number 915-383-4604 (“4604 Number”) and have been since at least December 2007. The 4604 Number is a telephone number that is assigned to my cellular telephone service and has been since at least December 2007.
3. I registered the 4604 Number on the national Do Not Call Registry (“DNC Registry”) in December 2007. The 4604 Number has remained on the DNC Registry since it was registered in December 2007.
4. I am a residential telephone subscriber to the 4604 Number. I use the 4604 Number for

personal, family, and household use. The 4604 Number is the primary way I contact friends and family.

5. I have not held the 4604 Number out to the public as a business number. I have not advertised the 4604 Number as a business number. The 4604 Number is not registered as a business line. I pay the phone bill for the 4604 Number out of my personal funds. The phone bill for the 4604 Number is not paid from a business account.

6. I received phone calls to the 4604 Number by least eleven (11) POWUR PBC, INC (“POWUR”) representatives soliciting solar panel installation on behalf of POWUR: Robert Hall, Jerrell Mixon, Genesis Segovia, Garrett Allred, Derrick Grant, Edward Zajac, Bobby Smith, Eric Garcia, Jamie Thompson, Christopher Young, and Marc Ross.

7. All of the telephone calls I received from POWUR representatives were telephone solicitation phone calls.

8. On May 11, 2023, I received a phone call and a text message from Robert Hall from phone number 732-575-2007 soliciting solar panels on behalf of POWUR. On May 12, 2023, I received an additional phone call from Robert Hall soliciting solar panels on behalf of POWUR.

9. On May 23, 2023, I received three phone calls from Jerrell Mixon from phone number 480-431-7017 soliciting solar Panels on behalf of POWUR. On May 25, 2023, I received two additional phone calls on from Jerrell Mixon soliciting solar panels on behalf of POWUR.

10. On May 28, 2023, I sent POWUR an email at [customercare@powur.com](mailto:customercare@powur.com) and [compliance@powur.com](mailto:compliance@powur.com) and alerted POWUR of unwanted telephone calls and asked POWUR to stop the calls.

11. POWUR agent Genesis Segovia called me from phone number 210-781-1349 on June 21,

2023, 24 days after POWUR received Plaintiff's first DNC request. Current FCC guidance states that do-not-call requests are to be honored "within a reasonable time not to exceed 10 business days of receipt." 47 CFR Part 64 [CG Docket No. 02-278; FCC 24-24; FR ID 205127].

12. POWUR's agents called me at least 45 times after the initial do-not-call request.

13. On June 21, 2023, I received two phone calls from Genesis Segovia soliciting solar panels on behalf of POWUR. I received two additional calls from Genesis Segovia on June 22, 2023, and two additional calls from Genesis Segovia on June 23, 2023, soliciting solar panels on behalf of POWUR.

14. On July 29, 2023, I received a phone call from Garrett Allred from phone number 208-602-9679 soliciting solar panels on behalf of POWUR. I received an additional phone call from Garrett Allred on August 1, 2023, and two additional phone calls from Garrett Allred on August 7, 2023, soliciting solar panels on behalf of POWUR.

15. On August 19, 2023, I received three text messages from Derrick Grant from phone number 856-505-9559 soliciting solar panels on behalf of POWUR. On August 20, 2023, I received two phone calls and one text message from Derrick Grant soliciting solar panels on behalf of POWUR. On August 21, 2023, I received one phone call and one text message from Derrick Grant soliciting solar panels on behalf of POWUR.

16. On August 20, 2023, I sent POWUR, through their attorney, another email alerting POWUR of the continued unwanted phone calls.

17. On August 21, 2023, POWUR attorney James Carlson ("Carlson") replied, "Thank you for sending the attachment and settlement offer. I will relay this information to my client and get back to you in response to the August 20, 2023, email.

18. On August 25, 2023, I sent POWUR, through their attorney, another email alerting

POWUR of continued unwanted phone calls.

19. On August 28, 2023, Plaintiff received an email from Carlson that stated he had “relayed this information” to Defendant POWUR in reference to the August 25, 2023, email.

20. POWUR’s agents called me at least 28 times after the August 25, 2023, DNC email.

21. . On August 26, 2023, I received three phone calls and one text message from Derrick Grant soliciting solar panels on behalf of POWUR. On August 28, 2023, I received a text message from Derrick Grant soliciting solar panels on behalf of POWUR. On August 31, 2023, I received a phone call and a text message from Derrick Grant soliciting solar panels on behalf of POWUR.

22. On September 7, 2023, I received one phone call and two text messages from Edward Zajac from phone number 631-680-1135 soliciting solar panels on behalf of POWUR. On September 8, 2023, I received two phone calls from Edward Zajac soliciting solar panels on behalf of POWUR. On September 13, 2023, I received a phone call from Edward Zajac soliciting solar panels on behalf of POWUR.

23. On September 8, 2023, I sent POWUR, through their attorney, another email alerting POWUR of continued unwanted phone calls.

24. On September 8, 2023, Carlson replied, “Thanks so much, this is exactly the information I needed” in response to the September 8, 2023, email.

25. On September 13, 2023, I received a phone call from Derrick Grant soliciting solar panels on behalf of POWUR.

26. On October 7, 2023, I received two phone calls and one text message from Bobby Smith from phone number 410-977-8777 soliciting solar panels on behalf of POWUR.

27. On October 11, 2023, I sent POWUR, through their attorney, another email alerting

POWUR of the continued unwanted phone calls.

28. On October 13, 2023, Carlson replied, “Received, thank you for letting me know. I’ve spoken to my client about the information you provided” in response to Plaintiff’s October 11, 2023, email.

29. POWUR’s agents called me at least 10 times after the October 11, 2023, DNC email.

30. On October 11, 2023, I received a phone call from Eric Garica from phone number 210-952-8664 soliciting solar panels on behalf of POWUR.

31. On October 14, 2024, I received two text messages from Eric Garcia from phone number 210-952-8664 soliciting solar panels on behalf of POWUR.

32. On October 15, 2023, I sent Carlson an email with a screenshot of the text messages received on October 14, 2023, alerting POWUR of the continued unwanted calls/texts.

33. On October 16, 2023, Carlson replied, “Received, thank you. As before, please let me know if you are contacted again” to the October 15, 2023, email.

34. On January 4, 2024, I received a phone call and a text message from Jamie Thompson from phone number 560-613-8580 soliciting solar panels on behalf of POWUR.

35. On January 9, 2024, I sent POWUR, through their attorney, another email alerting POWUR of the continued unwanted phone calls.

36. POWUR’s agents called me at least six (6) times after the January 9, 2024, DNC email.

37. On January 24, 2024, I received a phone call and a text message from Christopher Young from phone number 513-888-0213 soliciting solar panels on behalf of POWUR. On January 25, 2024, I received an additional phone call from Christopher Young soliciting solar panels on behalf of POWUR.

38. On February 27, 2024, I received a phone call and a text message from Marc Ross from

phone number 937-418-7976 soliciting solar panels on behalf of POWUR.

39. On February 29, 2024, I received a text message from Marc Ross from phone number 937-418-7976.

40. POWUR did not honor my do-not-call requests.

41. Exhibit A-1 to this Declaration is a true and correct copy of the emails sent to POWUR and POWUR attorneys alerting POWUR of unwanted phone calls.

42. Exhibit A-2 to this Declaration is a true and correct copy of the call log prepared by me showing the calls and texts made directly to me by POWUR agents. All of the calls and texts were made to my 4604 Number.

43. Prior to May 11, 2023, I had had no dealings with POWUR. Prior to May 11, 2023, I did not request solar panel installation or any other products or services from POWUR. At that time I had not consented to any calls from POWUR.

44. POWUR supplied web pages for each of the POWER Agents.

45. POWUR owned and controlled the POWUR Agents' web pages.

46. POWUR Agents' web pages do not indicate the POWUR Agents are independent agents.

47. POWUR allowed the POWUR Agents to solicit using POWUR trademarks and logos.

48. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

49. POWUR admitted during Discovery as part of Requests for Admission that Plaintiff informed POWUR of unwanted phone calls on May 28, 2023, August 20, 2023, and August 25, 2023.

Executed on March 18, 2024

  
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Brandon Callier